

(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

(Added Pub. L. 100–606, §2(a), Nov. 4, 1988, 102 Stat. 3045; amended Pub. L. 103–322, title VI, §60003(a)(13), Sept. 13, 1994, 108 Stat. 1970; Pub. L. 107–273, div. B, title IV, §4002(a)(4), (b)(7), Nov. 2, 2002, 116 Stat. 1806, 1808.)

AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107–273, §4002(b)(7), substituted “subsection (a)(1),” for “subsection (a)(1),”.

Pub. L. 107–273, §4002(a)(4), made technical correction to directory language of Pub. L. 103–322. See 1994 Amendment note below.

1994—Subsec. (b)(1). Pub. L. 103–322, as amended by Pub. L. 107–273, §4002(a)(4), substituted “, where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both;” for “a fine of not more than \$1,000,000 and imprisonment for life,”.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–273, div. B, title IV, §4002(a)(4), Nov. 2, 2002, 116 Stat. 1806, provided that the amendment made by section 4002(a)(4) is effective Sept. 13, 1994.

SHORT TITLE

Section 1 of Pub. L. 100–606 provided that: “This Act [enacting this chapter] may be cited as the ‘Genocide Convention Implementation Act of 1987 (the Proxmire Act)’.”

§ 1092. Exclusive remedies

Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

(Added Pub. L. 100–606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

§ 1093. Definitions

As used in this chapter—

(1) the term “children” means the plural and means individuals who have not attained the age of eighteen years;

(2) the term “ethnic group” means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(3) the term “incites” means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

(4) the term “members” means the plural;

(5) the term “national group” means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term “racial group” means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term “religious group” means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term “substantial part” means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

(Added Pub. L. 100–606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

CHAPTER 51—HOMICIDE

Sec.

- 1111. Murder.
- 1112. Manslaughter.
- 1113. Attempt to commit murder or manslaughter.
- 1114. Protection of officers and employees of the United States.
- 1115. Misconduct or neglect of ship officers.
- 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons.
- 1117. Conspiracy to murder.
- 1118. Murder by a Federal prisoner.
- 1119. Foreign murder of United States nationals.
- 1120. Murder by escaped prisoners.
- 1121. Killing persons aiding Federal investigations or State correctional officers.
- 1122. Protection against the human immunodeficiency virus.

AMENDMENTS

1996—Pub. L. 104–294, title VI, §601(a)(6), Oct. 11, 1996, 110 Stat. 3498, added item 1122.

1994—Pub. L. 103–322, title VI, §§60005(b), 60009(b)(2), 60012(b), 60015(b), Sept. 13, 1994, 108 Stat. 1970, 1972–1974, added items 1118 to 1121.

1976—Pub. L. 94–467, §3, Oct. 8, 1976, 90 Stat. 1998, substituted “official guests, or internationally protected persons” for “or official guests” in item 1116.

1972—Pub. L. 92–539, title I, §102, Oct. 24, 1972, 86 Stat. 1071, added items 1116 and 1117.

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(c) For purposes of this section—

(1) the term “assault” has the same meaning as given that term in section 113;

(2) the term “child” means a person who has not attained the age of 18 years and is—

(A) under the perpetrator’s care or control; or

(B) at least six years younger than the perpetrator;

(3) the term “child abuse” means intentionally or knowingly causing death or serious bodily injury to a child;

(4) the term “pattern or practice of assault or torture” means assault or torture engaged in on at least two occasions;

(5) the term “serious bodily injury” has the meaning set forth in section 1365; and

(6) the term “torture” means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 98-473, title II, §1004, Oct. 12, 1984, 98 Stat. 2138; Pub. L. 99-646, §87(c)(4), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, §3(a)(4), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 100-690, title VII, §7025, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 103-322, title VI, §60003(a)(4), Sept. 13, 1994, 108 Stat. 1969; Pub. L. 108-21, title I, §102, Apr. 30, 2003, 117 Stat. 652.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§452, 454, 567 (Mar. 4, 1909, ch. 321, §§273, 275, 330, 35 Stat. 1143, 1152).

Section consolidates the punishment provision of sections 454 and 567 of title 18, U.S.C., 1940 ed., with section 452 of title 18, U.S.C., 1940 ed.

The provision of said section 454 for the death penalty for first degree murder was consolidated with section 567 of said title 18, by adding the words “unless the jury qualifies its verdict by adding thereto ‘without capital punishment’ in which event he shall be sentenced to imprisonment for life”.

The punishment for second degree murder was changed and the phrase “for any term of years or for life” was substituted for the words “not less than ten years and may be imprisoned for life”. This change conforms to a uniform policy of omitting the minimum punishment.

Said section 567 was not included in section 2031 of this title since the rewritten punishment provision for rape removes the necessity for a qualified verdict.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21, §102(1), inserted “child abuse,” after “or sexual abuse,” and “or perpetrated as part of a pattern or practice of assault or torture against a child or children;” after “robbery;”.

Subsec. (c). Pub. L. 108-21, §102(2), added subsec. (c).

1994—Subsec. (b). Pub. L. 103-322 amended second par. generally. Prior to amendment, second par. read as follows: “Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto ‘without capital punishment’, in which event he shall be sentenced to imprisonment for life;”.

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after “arson”.

1986—Subsec. (a). Pub. L. 99-646 and Pub. L. 99-654 amended subsec. (a) identically, substituting “aggravated sexual abuse or sexual abuse” for “, rape”.

1984—Subsec. (a). Pub. L. 98-473 inserted “escape, murder, kidnapping, treason, espionage, sabotage,” after “arson”.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective respectively 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

§ 1112. Manslaughter

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than ten years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 103-322, title XXXII, §320102, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2109, 2147; Pub. L. 104-294, title VI, §604(b)(13), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§453, 454 (Mar. 4, 1909, ch. 321, §§274, 275, 35 Stat. 1143).

Section consolidates punishment provisions of sections 453 and 454 of title 18, U.S.C., 1940 ed.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-294 repealed Pub. L. 103-322, §320102(2). See 1994 Amendment note below.

1994—Subsec. (b). Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” in last par.

Pub. L. 103-322, §320102(3), substituted “six years” for “three years” in last par.

Pub. L. 103-322, §320102(2), which provided for amendment identical to Pub. L. 103-322, §330016(1)(H), above, was repealed by Pub. L. 104-294, §604(b)(13).

Pub. L. 103-322, §320102(1)(B), which directed the amendment of subsec. (b) by inserting “, or both” after “years”, was executed by inserting the material after “years” in second par., which was the first place the word appeared in text, to reflect the probable intent of Congress.

Pub. L. 103-322, §320102(1)(A), inserted “fined under this title or” after “shall be” in second par.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 1113. Attempt to commit murder or manslaughter

Except as provided in section 113 of this title, whoever, within the special maritime and territorial jurisdiction of the United States, attempts to commit murder or manslaughter, shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than seven years or fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 100-690, title VII, §7058(c), Nov. 18, 1988, 102 Stat.

4403; Pub. L. 101-647, title XXXV, §3534, Nov. 29, 1990, 104 Stat. 4925; Pub. L. 104-132, title VII, §705(a)(5), Apr. 24, 1996, 110 Stat. 1295.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §456 (Mar. 4, 1909, ch. 321, §277, 35 Stat. 1143).

Words “within the special maritime and territorial jurisdiction of the United States” were added in view of definitive section 7 of this title, and section was rearranged to more clearly express intent of existing law.

Mandatory punishment provision was rephrased in the alternative.

AMENDMENTS

1996—Pub. L. 104-132 substituted “seven years” for “three years”.

1990—Pub. L. 101-647 struck out final period at end.

1988—Pub. L. 100-690 substituted “shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both.” for “shall be fined not more than \$1,000 or imprisoned not more than three years, or both”.

§ 1114. Protection of officers and employees of the United States

Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished—

(1) in the case of murder, as provided under section 1111;

(2) in the case of manslaughter, as provided under section 1112; or

(3) in the case of attempted murder or manslaughter, as provided in section 1113.

(June 25, 1948, ch. 645, 62 Stat. 756; May 24, 1949, ch. 139, §24, 63 Stat. 93; Oct. 31, 1951, ch. 655, §28, 65 Stat. 721; June 27, 1952, ch. 477, title IV, §402(c), 66 Stat. 276; Pub. L. 85-568, title III, §304(d), July 29, 1958, 72 Stat. 434; Pub. L. 87-518, §10, July 2, 1962, 76 Stat. 132; Pub. L. 88-493, §3, Aug. 27, 1964, 78 Stat. 610; Pub. L. 89-74, §8(b), July 15, 1965, 79 Stat. 234; Pub. L. 90-449, §2, Aug. 2, 1968, 82 Stat. 611; Pub. L. 91-375, §6(j)(9), Aug. 12, 1970, 84 Stat. 777; Pub. L. 91-513, title II, §701(i)(1), Oct. 27, 1970, 84 Stat. 1282; Pub. L. 91-596, §17(h)(1), Dec. 29, 1970, 84 Stat. 1607; Pub. L. 93-481, §5, Oct. 26, 1974, 88 Stat. 1456; Pub. L. 94-284, §18, May 11, 1976, 90 Stat. 514; Pub. L. 94-582, §16, Oct. 21, 1976, 90 Stat. 2883; Pub. L. 95-87, title VII, §704, Aug. 3, 1977, 91 Stat. 520; Pub. L. 95-616, §3(j)(2), Nov. 8, 1978, 92 Stat. 3112; Pub. L. 95-630, title III, §307, Nov. 10, 1978, 92 Stat. 3677; Pub. L. 96-296, §26(c), July 1, 1980, 94 Stat. 819; Pub. L. 96-466, title VII, §704, Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-143, §1(b), Dec. 29, 1981, 95 Stat. 1724; Pub. L. 97-259, title I, §128, Sept. 13, 1982, 96 Stat. 1099; Pub. L. 97-365, §6, Oct. 25, 1982, 96 Stat. 1752; Pub. L. 97-452, §2(b), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 98-63, title I, §101, July 30, 1983, 97 Stat. 313; Pub. L. 98-473, title II, §1012, Oct. 12, 1984, 98 Stat. 2142; Pub. L. 98-557, §17(c), Oct. 30, 1984, 98 Stat. 2868; Pub. L.

100-690, title VII, §7026, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 101-73, title IX, §962(a)(6), Aug. 9, 1989, 103 Stat. 502; Pub. L. 101-647, title XII, §1205(h), title XVI, §1606, title XXXV, §3535, Nov. 29, 1990, 104 Stat. 4831, 4843, 4925; Pub. L. 102-54, §13(f)(2), June 13, 1991, 105 Stat. 275; Pub. L. 102-365, §6, Sept. 3, 1992, 106 Stat. 975; Pub. L. 103-322, title VI, §60007, title XXXIII, §§330009(c), 330011(g), Sept. 13, 1994, 108 Stat. 1971, 2143, 2145; Pub. L. 104-132, title VII, §727(a), Apr. 24, 1996, 110 Stat. 1302; Pub. L. 104-294, title VI, §601(f)(2), Oct. 11, 1996, 110 Stat. 3499; Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §253 (May 18, 1934, ch. 299, §1, 48 Stat. 780; Feb. 8, 1936, ch. 40, 49 Stat. 1105; June 26, 1936, ch. 830, title I, §3, 49 Stat. 1940; Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 13, 1940, ch. 359, 54 Stat. 391).

The section was extended to include United States judges, attorneys and their assistants, and officers of Federal, penal and correctional institutions in view of the obvious desirability of such protective legislation.

Employees of the Bureau of Animal Industry have been included in this section to complete the revision of section 118 of title 18, U.S.C., 1940 ed., which was consolidated with the assault provisions of section 254 of said title 18 and is now section 111 of this title. There seemed no sound reason for including such officers in the protection against assaults but excluding them from the homicide sections.

For like reasons the section was broadened to include officers or employees of the Secret Service or of the Bureau of Narcotics.

Changes in phraseology were made.

1949 ACT

This section [section 24] amends section 1114 of title 18, U.S.C., to conform more closely with the original statute from which it was derived.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-273 repealed amendment by Pub. L. 104-294. See 1996 Amendment note below.

1996—Pub. L. 104-132 reenacted section catchline without change and amended text generally, restructuring provisions by inserting par. designations and substituting reference to section 1113 of this title and general reference to killing or attempting to kill any officer or employee of any agency in any branch of United States Government for more specific references to killing or attempting to kill certain enumerated officers and employees of United States.

Subsec. (b). Pub. L. 104-294, which directed substitution in text of “1112,” for “1112.” and could not be executed, was repealed by Pub. L. 107-273. See above.

1994—Pub. L. 103-322, §330011(g), repealed Pub. L. 101-647, §1606. See 1990 Amendment notes below.

Pub. L. 103-322, §330009(c), substituted “or any other officer or employee of the United States or any agency thereof” for “or any other officer, agency, or employee of the United States”.

Pub. L. 103-322, §60007, substituted “punished, in the case of murder, as provided under section 1111, or, in the case of manslaughter, as provided under section 1112.” for “punished as provided under sections 1111 and 1112 of this title.”.

1992—Pub. L. 102-365 inserted “any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions,” after “any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions.”.

1991—Pub. L. 102-54 substituted “Department of Veterans Affairs” for “Veterans Administration”.

1990—Pub. L. 101-647, §3535(3), which directed amendment of section by striking out “the Federal Savings and Loan Insurance Corporation,” could not be executed because that language had been struck out by Pub. L. 101-73. See 1989 Amendment note below.

Pub. L. 101-647, §1606(3), which amended this section identically to amendment by Pub. L. 101-647, §3535(3), was repealed by Pub. L. 103-322, §330011(g). See above.

Pub. L. 101-647, §3535(1), (2), substituted “Secret Service” for “secret service” and “any officer or employee of the Department of Education, the Department of Health and Human Services,” for “any officer or employee of the Department of Health, Education, and Welfare.”

Pub. L. 101-647, §1606(1), (2), which amended this section identically to amendment by Pub. L. 101-647, §3535(1), (2), was repealed by Pub. L. 103-322, §330011(g). See above.

Pub. L. 101-647, §1205(h), inserted “or any other commonwealth, territory, or possession” after “the Virgin Islands”.

1989—Pub. L. 101-73 struck out “the Federal Savings and Loan Insurance Corporation,” after “Federal Deposit Insurance Corporation,” and substituted “the Office of Thrift Supervision, the Federal Housing Finance Board, the Resolution Trust Corporation” for “the Federal Home Loan Bank Board”.

1988—Pub. L. 100-690 struck out second comma after “terms of this section”.

1984—Pub. L. 98-557 substituted reference to Coast Guard member, and Coast Guard employee assigned to perform investigative, inspection or law enforcement functions, for reference to any officer or enlisted man of the Coast Guard.

Pub. L. 98-473 inserted “or attempts to kill” after “Whoever kills”, substituted “or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section,” for “while engaged in the performance of his official duties or on account of the performance of his official duties”, inserted “, or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General”, and inserted “, except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years”.

1983—Pub. L. 98-63 inserted “any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions,” after “National Park Service,”.

1983—Pub. L. 97-452 substituted “sections 3711 and 3716-3718 of title 31” for “the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.)”.

1982—Pub. L. 97-365 struck out “or” before “any attorney, liquidator, examiner, claim agent” and inserted “, or any officer or employee of the United States or any agency thereof designated to collect or compromise a Federal claim in accordance with the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) or other statutory authority” before “shall be punished”.

Pub. L. 97-259 inserted “or any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions,” after “or law enforcement functions.”.

1981—Pub. L. 97-143 inserted “any officer or member of the United States Capitol Police,” after “Drug Enforcement Administration.”.

1980—Pub. L. 96-466 inserted “or any officer or employee of the Veterans’ Administration assigned to perform investigative or law enforcement functions,” after “of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions.”.

Pub. L. 96-296 inserted “Interstate Commerce Commission,” after “Consumer Product Safety Commission.”.

1978—Pub. L. 95-630 inserted “or any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration engaged in or on account of the performance of his official duties” before “shall be punished”.

Pub. L. 95-616 inserted “the Department of Commerce.”.

1977—Pub. L. 95-87 inserted “or of the Department of the Interior” after “or of the Department of Labor”.

1976—Pub. L. 94-582 struck out “any employee of the Bureau of Animal Industry of the Department of Agriculture,” after “the field service of the Bureau of Land Management,” and inserted “or of the Department of Agriculture” after “or of the Department of Labor”.

Pub. L. 94-284 inserted “, the Consumer Product Safety Commission,” after “Department of Health, Education, and Welfare”.

1974—Pub. L. 93-481 substituted “Drug Enforcement Administration” for “Bureau of Narcotics and Dangerous Drugs”.

1970—Pub. L. 91-596 substituted “or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions”, for “designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act”.

Pub. L. 91-513 substituted “Bureau of Narcotics and Dangerous Drugs” for “Bureau of Narcotics”.

Pub. L. 91-375 substituted “officer or employee of the Postal Service”, for “postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department” after “Department of Justice.”.

1968—Pub. L. 90-449 substituted “any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department” for “any post-office inspector”.

1965—Pub. L. 89-74 included any officer or employee of the Department of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare to conduct investigations or inspections under the Federal Food, Drug, and Cosmetic Act.

1964—Pub. L. 88-493 inserted “or any security officer of the Department of State or the Foreign Service”.

1962—Pub. L. 87-518 included employees of the Department of Agriculture performing any function connected with any Federal or State program, or program of Puerto Rico, Guam, the Virgin Islands, or the District of Columbia, for control, eradication, or prevention of animal diseases.

1958—Pub. L. 85-568 included officers and employees of the National Aeronautics and Space Administration.

1952—Act June 27, 1952, substituted “any immigration officers” for “any immigrant inspector or any immigration patrol inspector”.

1951—Act Oct. 31, 1951, substituted “the field service of the Bureau of Land Management” for “the field service of the Division of Grazing of the Department of the Interior”.

1949—Act May 24, 1949, inserted “any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties”.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(g) of Pub. L. 103-322 provided that the amendment made by that section is effective as of Nov. 29, 1990.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(g)(3) of Pub. L. 96-466 provided in part that the amendment made by section 704 of Pub. L. 96-466 is effective Oct. 17, 1980.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-630 effective on expiration of 120 days after Nov. 10, 1978, see section 2101 of Pub. L. 95-630, set out as an Effective Date note under section 375b of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-582 effective 30 days after Oct. 21, 1976, see section 27 of Pub. L. 94-582, as amended, set out as a note under section 74 of Title 7, Agriculture.

EFFECTIVE DATE OF 1970 AMENDMENTS

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 704 of Pub. L. 91-513, set out as an Effective Date note under section 801 of Title 21, Food and Drugs.

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-74 effective July 15, 1965, see section 11 of Pub. L. 89-74.

SAVINGS PROVISION

Amendment by Pub. L. 91-513 not to affect or abate any prosecutions for violation of law or any civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of such amendment, and all administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on Oct. 27, 1970, to be continued and brought to final determination in accord with laws and regulations in effect prior to Oct. 27, 1970, see section 702 of Pub. L. 91-513, set out as a note under section 321 of Title 21, Food and Drugs.

LIFE IMPRISONMENT OR LESSER TERM FOR KILLING PERSON IN PERFORMANCE OF INVESTIGATIVE, INSPECTION, OR LAW ENFORCEMENT FUNCTIONS

Section 17(h)(2) of Pub. L. 91-596 provided that: "Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111 shall be punished by imprisonment for any term of years or for life."

IMMUNITY FROM CRIMINAL PROSECUTION

Section 5 of Pub. L. 88-493 which provided that nothing in Pub. L. 88-493, which amended this section and section 112 of this title, and enacted former section 170e-1 of Title 5, Government Organization and Employees, shall create immunity from criminal prosecution under the laws of any State, territory, possession, Puerto Rico, or the District of Columbia, is set out as a note under section 112 of this title.

§ 1115. Misconduct or neglect of ship officers

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

When the owner or charterer of any steamboat or vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 757; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 461 (Mar. 4, 1909, ch. 321, § 282, 35 Stat. 1144).

Section restores the intent of the original enactments, R.S. § 5344, and act Mar. 3, 1905, ch. 1454, § 5, 33 Stat. 1025, and makes this section one of general application. In the Criminal Code of 1909, by placing it in chapter 11, limited to places within the special maritime and territorial jurisdiction of the United States, such original intent was inadvertently lost as indicated by the entire absence of report or comment on such limitation.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000" in two places.

§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title.

(b) For the purposes of this section:

(1) "Family" includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

(2) "Foreign government" means the government of a foreign country, irrespective of recognition by the United States.

(3) "Foreign official" means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

(4) "Internationally protected person" means—

(A) a Chief of State or the political equivalent, head of government, or Foreign Min-

ister whenever such person is in a country other than his own and any member of his family accompanying him; or

(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

(5) “International organization” means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

(6) “Official guest” means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

(7) “National of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(c) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 94-467, §2, Oct. 8, 1976, 90 Stat. 1997; Pub. L. 95-163, §17(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, §2(b), Oct. 24, 1978, 92 Stat. 1705; Pub. L. 97-351, §3, Oct. 18, 1982, 96 Stat. 1666; Pub. L. 103-272, §5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title VI, §60003(a)(5), title XXXIII, §330006, Sept. 13, 1994, 108 Stat. 1969, 2142; Pub. L. 104-132, title VII, §721(c), Apr. 24, 1996, 110 Stat. 1298; Pub. L. 104-294, title VI, §601(g)(2), Oct. 11, 1996, 110 Stat. 3500.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 struck out “, except that” at end.

Subsec. (b)(7). Pub. L. 104-132, §721(c)(1), added par. (7).

Subsec. (c). Pub. L. 104-132, §721(c)(2), inserted first sentence and struck out former first sentence which

read as follows: “If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender.”

1994—Subsec. (a). Pub. L. 103-322, §330006, which directed the striking of “, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years” before period at end, was executed by striking text which did not include “, and”, to reflect the probable intent of Congress and the prior amendment by Pub. L. 103-322, §60003(a)(5). See below.

Pub. L. 103-322, §60003(a)(5), struck out “any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and” after “title, except that”.

Subsec. (c). Pub. L. 103-272 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))”.

1982—Subsec. (b)(5). Pub. L. 97-351 inserted provision relating to a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of foreign affairs.

1978—Subsec. (c). Pub. L. 95-504 substituted reference to section 101(38) of the Federal Aviation Act of 1958 for reference to section 101(35) of such Act.

1977—Subsec. (c). Pub. L. 95-163 substituted reference to section 101(35) of the Federal Aviation Act of 1958 for reference to section 101(34) of such Act.

1976—Catchline. Pub. L. 94-467 substituted “official guests, or internationally protected persons” for “or official guests”.

Subsec. (a). Pub. L. 94-467 inserted reference to internationally protected persons, section 1113 of this title, and the punishment for a person convicted of attempted murder.

Subsec. (b). Pub. L. 94-467 designated existing provision, relating to definition of “foreign official” as par. (3)(A), (B), and added pars. (1), (2), (4), (5) and (6).

Subsec. (c). Pub. L. 94-467 substituted provision permitting the United States to exercise jurisdiction over an offense if the victim is an internationally protected person and the alleged offender is present within the United States for provision which defined “foreign government”, “international organization”, “family”, and “official guest”.

Subsec. (d). Pub. L. 94-467 added subsec. (d).

§ 1117. Conspiracy to murder

If two or more persons conspire to violate section 1111, 1114, 1116, or 1119 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 103-322, title VI, §60009(b)(1), Sept. 13, 1994, 108 Stat. 1972.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “1116, or 1119” for “or 1116”.

§ 1118. Murder by a Federal prisoner

(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

(b) DEFINITIONS.—In this section—

“Federal correctional institution” means any Federal prison, Federal correctional facil-

ity, Federal community program center, or Federal halfway house.

“murder” means a first degree or second degree murder (as defined in section 1111).

“term of life imprisonment” means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.

(Added Pub. L. 103-322, title VI, §60005(a), Sept. 13, 1994, 108 Stat. 1970.)

PRIOR PROVISIONS

Another section 1118 was renumbered section 1122 of this title.

§ 1119. Foreign murder of United States nationals

(a) DEFINITION.—In this section, “national of the United States” has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person’s return. A determination by the Attorney General under this paragraph is not subject to judicial review.

(Added Pub. L. 103-322, title VI, §60009(a), Sept. 13, 1994, 108 Stat. 1972.)

§ 1120. Murder by escaped prisoners

(a) DEFINITION.—In this section, “Federal correctional institution” and “term of life imprisonment” have the meanings stated in section 1118.

(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal correctional institution where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.

(Added Pub. L. 103-322, title VI, §60012(a), Sept. 13, 1994, 108 Stat. 1973; amended Pub. L. 104-294, title VI, §601(c)(2), Oct. 11, 1996, 110 Stat. 3499.)

AMENDMENTS

1996—Subsecs. (a), (b). Pub. L. 104-294 substituted “Federal correctional institution” for “Federal prison”.

§ 1121. Killing persons aiding Federal investigations or State correctional officers

(a) Whoever intentionally kills—

(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

(A) while the victim is engaged in the performance of official duties;

(B) because of the performance of the victim’s official duties; or

(C) because of the victim’s status as a public servant; or

(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111, including by sentence of death or by imprisonment for life.

(b)(1) Whoever, in a circumstance described in paragraph (3) of this subsection, while incarcerated, intentionally kills any State correctional officer engaged in, or on account of the performance of such officer’s official duties, shall be sentenced to a term of imprisonment which shall not be less than 20 years, and may be sentenced to life imprisonment or death.

(2) As used in this section, the term, “State correctional officer” includes any officer or employee of any prison, jail, or other detention facility, operated by, or under contract to, either a State or local governmental agency, whose job responsibilities include providing for the custody of incarcerated individuals.

(3) The circumstance referred to in paragraph (1) is that—

(A) the correctional officer is engaged in transporting the incarcerated person interstate; or

(B) the incarcerated person is incarcerated pursuant to a conviction for an offense against the United States.

(c) For the purposes of this section, the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 103-322, title VI, §60015(a), Sept. 13, 1994, 108 Stat. 1974; amended Pub. L. 104-294, title VI, §607(k), Oct. 11, 1996, 110 Stat. 3512.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-294 added subsec. (c).

§ 1122. Protection against the human immunodeficiency virus

(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine under this title of not less than \$10,000, imprisoned for not less than 1 year nor more than 10 years, or both.

(Added Pub. L. 103-333, title V, §514, Sept. 30, 1994, 108 Stat. 2574, §1118; renumbered §1122 and amended Pub. L. 104-294, title VI, §601(a)(5), Oct. 11, 1996, 110 Stat. 3498.)

AMENDMENTS

1996—Pub. L. 104-294, §601(a)(5)(A), renumbered section 1118, relating to protection against human immunodeficiency virus, as this section.

Subsec. (c). Pub. L. 104-294, §601(a)(5)(B), inserted “under this title” after “fine” and struck out “nor more than \$20,000” after “\$10,000”.

CHAPTER 53—INDIANS

Sec.	
1151.	Indian country defined.
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1169.	Reporting of child abuse.
1170.	Illegal trafficking in Native American human remains and cultural items.

AMENDMENTS

1996—Pub. L. 104-294, title VI, §604(b)(26), Oct. 11, 1996, 110 Stat. 3508, directed that item 1169 be transferred to appear after item 1168.

Pub. L. 104-294, title VI, §604(b)(25), Oct. 11, 1996, 110 Stat. 3508, amended directory language of Pub. L. 103-322, §330011(d), which amended Pub. L. 101-630, §404(a)(2). See 1990 Amendment note below.

1994—Pub. L. 103-322, title XXXIII, §330010(5), Sept. 13, 1994, 108 Stat. 2143, substituted “Illegal trafficking in Native American human remains and cultural items” for “Illegal Trafficking in Native American Human Remains and Cultural Items” in item 1170.

1990—Pub. L. 101-647, title XXXV, §3536, Nov. 29, 1990, 104 Stat. 4925, struck out item 1157 “Livestock sold or removed”.

Pub. L. 101-644, title I, §104(b), Nov. 29, 1990, 104 Stat. 4663, substituted “Misrepresentation of Indian produced goods and products” for “Misrepresentation in sale of products” in item 1159.

Pub. L. 101-630, title IV, §404(a)(2), Nov. 28, 1990, 104 Stat. 4548, as amended, effective on the date section 404(a)(2) of Pub. L. 101-630 took effect, by Pub. L. 103-322, title XXXIII, §330011(d), Sept. 13, 1994, 108 Stat. 2144, as amended by Pub. L. 104-294, title VI, §604(b)(25), Oct. 11, 1996, 110 Stat. 3508, added item 1169.

Pub. L. 101-601, §4(b), Nov. 16, 1990, 104 Stat. 3052, added item 1170.

1988—Pub. L. 100-497, §24, Oct. 17, 1988, 102 Stat. 2488, added items 1166, 1167, and 1168.

1960—Pub. L. 86-634, §3, July 12, 1960, 74 Stat. 469, added items 1164 and 1165.

1956—Act Aug. 1, 1956, ch. 822, §1, 70 Stat. 792, added item 1163.

1953—Act Aug. 15, 1953, ch. 502, §1, 67 Stat. 586, added item 1161.

Act Aug. 15, 1953, ch. 505, §1, 67 Stat. 588, added item 1162.

§ 1151. Indian country defined

Except as otherwise provided in sections 1154 and 1156 of this title, the term “Indian country”, as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(June 25, 1948, ch. 645, 62 Stat. 757; May 24, 1949, ch. 139, §25, 63 Stat. 94.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on sections 548 and 549 of title 18, and sections 212, 213, 215, 217, 218 of title 25, Indians, U.S. Code, 1940 ed. (R.S. §§2142, 2143, 2144, 2145, 2146; Feb. 18, 1875, ch. 80, §1, 18 Stat. 318; Mar. 4, 1909, ch. 321, §§328, 329, 35 Stat. 1151; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; June 28, 1932, ch. 284, 47 Stat. 337).

This section consolidates numerous conflicting and inconsistent provisions of law into a concise statement of the applicable law.

R.S. §§2145, 2146 (U.S.C., title 25, §§217, 218) extended to the Indian country with notable exceptions the criminal laws of the United States applicable to places within the exclusive jurisdiction of the United States. Crimes of Indians against Indians, and crimes punishable by tribal law were excluded.

The confusion was not lessened by the cases of *U.S. v. McBratney*, 104 U.S. 622 and *Draper v. U.S.*, 17 S.Ct. 107, holding that crimes in Indian country by persons not Indians are not cognizable by Federal courts in absence of reservation or cession of exclusive jurisdiction applicable to places within the exclusive jurisdiction of the United States. Because of numerous statutes applicable only to Indians and prescribing punishment for crimes committed by Indians against Indians, “Indian country” was defined but once. (See act June 30, 1834, ch. 161, §1, 4, Stat. 729, which was later repealed.)

Definition is based on latest construction of the term by the United States Supreme Court in *U.S. v. McGowan*, 58 S.Ct. 286, 302 U.S. 535, following *U.S. v. Sandoval*, 34 S.Ct. 1, 5, 231 U.S. 28, 46. (See also *Donnelly v. U.S.*, 33 S.Ct. 449, 228 U.S. 243; and *Kills Plenty v. U.S.*, 133 F.2d 292, certiorari denied, 1943, 63 S.Ct. 1172). (See reviser’s note under section 1153 of this title.)

Indian allotments were included in the definition on authority of the case of *U.S. v. Pelican*, 1913, 34 S.Ct. 396, 232 U.S. 442, 58 L.Ed. 676.

1949 ACT

This section [section 25], by adding to section 1151 of title 18, U.S.C., the phrase “except as otherwise provided in sections 1154 and 1156 of this title”, incorporates in this section the limitations of the term “Indian country” which are added to sections 1154 and 1156 by sections 27 and 28 of this bill.